

Lowell Tobacco Control Report

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Lowell

Inspections

Jonathan, the new contractor, and I completed 43 in-store inspections this month, so far. A couple of companies, Fronto King and Togga Leaf, appear to have increased their efforts to distribute products that violate a blunt wrap provision in our local BOH regulation. These products are tobacco leaves, which are often mislabeled as cigars.

Implementation of the new state law: An Act Modernizing Tobacco Control

I have noticed upon re-inspection that some stores are still found in violation of some aspect of the law. Instead of taking responsibility for making sure they are in full compliance, retailers seem to have gotten complacent, waiting to be told if anything is wrong at the time of an inspection. Therefore, I have just done a mailing to remind them about some of the most important provisions of the law. The letter highlights the penalties for these violations, which are as follows:

- \$1,000 for a first offense;
- \$2000 and up to 7-day tobacco permit suspension for a second offense;
- \$5000 and up to a 30-day tobacco permit suspension for a third offense.

As a reminder, the new fining process will involve a Cease and Desist order that includes the appropriate fine amount. Retailers will have an opportunity to appeal it before the Lowell Board of Health, if they file a request for a hearing within seven days after receiving the order.

Compliance Checks

We are getting ready to resume compliance checks. I have begun recruitment of minors and am currently training a girl who has been fully vaccinated. I plan to start checking stores soon and expect to have a higher than usual rate of sales to minors. We will be following a state recommended protocol to minimize the risk of a Covid infection.

Policy Review

I am still going through the state law and local BOH regulation in order to identify areas that might need local tweaking. I should have a list of recommendation by the next Board meeting.

Department of Revenue's Enforcement

A DOR letter presented by a retailer in Athol suggests that the Department might be stepping up enforcement by reviewing retailers' complete tobacco inventory to ensure that products have the Massachusetts stamp and that the retailers are collecting the appropriate excise taxes. It is unclear whether this is a targeted action or a broader campaign.